The EIGHTH
Collection of Papers
Relating to the
Preſent Juncture of Affairs in *England.*

VIZ.

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PROPOSALS

Humbly offered

To the Lords and Commons in the preſent CONVENTION, for Settling of the Government, &c.

My Lords and Gentlemen;

YOU are Aſſembled upon Matters of the higheſt Importance to England *and all Chriſtendom; and the reſult of your Thoughts, in this Convention, will make a numerous Poſterity Happy or Miſerable. If therefore I have met with any Thing that I think worthy of your Conſideration, I ſhould think my ſelf wanting in that Duty which I owe to my Country and Mankind, if I ſhould not lay it before You. If there be (as ſome ſay) certain Lineaments in the Face of Truth, with which one cannot be deceiv'd, becauſe they are not to be counterfeited; I hope, the Conſiderations which I preſume to offer You, will meet with your Approbation: That, bringing back our Conſtitution to its firſt and pureſt Original, refining it from ſome groſs Abuſes, and ſupplying its Defects, You may be the Joy of the preſent Age, and the Glory of Poſterity.*

First, 'Tis necessary to distingnish between *Power* it self, the *Designation* of the *Persons Governing*, and the *Form* of *Government*. For,

1. All Power is from God as the Fountain and Original.

2. The Designation of the Persons, and the Form of Government, is eirther, First, immediately from God, as in the Case of *Saul* and *David*, and the Government of the *Jews*; or, Secondly, from the Community, chusing some Form of Government, and subjecting themselves to it. But it must be noted, that though *Saul* and *David* had a Divine Designation, yet the People assembled; and in a General Assembly, by their Votes, freely chose them: Which proves, that there can be no orderly or lasting Government, without Consent of the People Tacit or Express'd; and God himself would not put Men under a Governor without their Consent. And in case of a Conquest, the People may be called *Prisoners* or *Salves* (which is a State contrary to the Nature of Man) but they cannot be properly *Subjects*, till their Wills be brought to submit to the Government: So that Conquest may *make Way* for a Government, but it cannot *constitute* it.

Secondly, There is a *Supreme Power* in every Community, essential to it, and inseparable from it; by which, if it be not limited immediately by God, it can form it self into any kind of Government. And in some extraordinary Occasions, when the Safety and Peace of the Publick necessarily require it, can supply the Defects, reform the Abuses, and re-establish the true Fundamentals of the Government; by Purging, Refining, and bringing Things back to their first Original: Which Power may be called, *The Supreme Power Real.*

Thirdly, When the Community has made choice of some Form of Government, and subjected themselves to it, having invested some Person or Persons with the *Supreme Power*: The Power in those Persons may be called, *The Supreme Power Personal.*

Fourthly, If this Form be a mix'd Government of *Monarchy*, *Aristocracy* and *Democracy*; and, for the easy Execution of the Laws, the *Executive Power* be lodg'd in a *single Person*; He has, *A Supreme Power Personal*, quoad hoc.

Fifthly,

Fifthly, The *Supreme Power Personal of* England, is in Kings, Lords, and Commons; and so it was in Effect agreed to, by King *Charles* the First, in his Answer to the nineteen Propositions; and resolved by the Convention of Lords and Commons in the Year 1660. And note, That the Acts of that Convention, tho never confirmed by Parliament, have been taken for Law; and particularly by the Lord Chief Justice *Hales*.

Sixthly, The *Supreme Power Personal* of *England* fails three Ways.

1. 'Tis Dissolved: For two Essential Parts fail. 1. A King. 2. A House of Commons; which cannot be called according to the Constitution, the King being gone, and the Freedom of Election being destroyed by the King's Incroachments.

2. The King has forfeited his Power several Ways. Subjection to the Bishop of *Rome*, is the Subjection against which our Laws cry loudest: And even *Barclay* (that Monarchical Politician) acknowledges, That if a King alienate his Kingdom, or subject it to another, he forfeits it. And *Grotius* asserts, That if a King really attempt to deliver up, or subject his Kingdom, he may be therein resisted: And that, if the King have part of the *Supreme Power*, and the People or Senate the other part, (the King invading that part which is not his) a just Force may be opposed, and he may lose his Part of the Empire. *Grotius de Bello*, &c. *Cap.* 72. But that the King has *subjected the Kingdom to the Pope*, needs no Proof; That the has *usurp'd an absolute Power superior to all Laws*, made the Peoples Share in the Legislative Power impertinent and useless, and thereby invaded their just Rights, none can deny. 'Twere in vain to multiply Instances of his Forfeitures: And, if we consider the Power exercis'd by him of late, it will most evidently appear to all who understand the *English* Constitution, that it admits of no such King, nor any such Power.

3. The King has deserted,

(1.) By incapacitating himself by a Religion inconsistent with the Fundamentals of our Government.

(2.) By forsaking the Power the Constitution allow'd him, and usurping a Foreign one: So that tho the Person remained, the King was gone long ago.

(3.) By Personal Withdrawing.

Seventhly, The *Supreme Power Real* remains in the Community; and they may act by their Original Power: And tho every Particular Person is, notwithstanding such Dissolution, Forfeiture, or Desertion, subject to the Laws which were made by the *Supreme Power Personal*, when in Being; yet the Communities Power is not bound by them, but is paramount all Laws made by the *Supreme Power Personal*: And has a full Right to take such Measures for Settling the Government, as they shall think most sure and effectual, for the lasting Security and Peace of the Nation. For we must note, that it was the Community of *England*, which first gave Being to both King and Parliament, and to all the other Parts of our Constitution.

Eighthly, The *most Renowned Politician* observes, That those Kingdoms and Republicks subsist longest that are often renewed, or brought back to their first Beginnings; which is an Observation of Self-evident Truth, and implies, That the *Supream Power Real* has a Right to Renew, or bring back. And the most ingenious *Lawson* observes (in his *Politica*) That the Community of *England*, in the late Times, had the greatest Advantage that they or their Ancestors had had for many Ages, for this purpose; tho God hid it from their Eyes: But the wonderful Concurrence of such a Series of Providences, as we now see and admire, gives ground to hope, That the Veil is removed, and the Nation will now see the Things that concern their Peace.

Ninthly, The Acts done and executed by the *Supreme Power Personal* (when in Being) have so model'd the Parts and Persons of the Community, that the Original Constitution is the best, justest, and the most desirable. The *Royal Family* affords a Person that both Heaven and Earth point out for King. There are Lords, whose Nobility is not affected by the Dissolution of the Government, and are the subject Matter of a House of Lords; And there are Places, which by Custom or Charter have Right to choose Representatives of the Commons.

Tenthly, There are are inextricable Difficulties in all other Methods. For,

1. There is no Demise of the King, neither Civil nor Natural.
2. There is consequently no Descent.
3. The Community only has a Right to take Advantage of the King's Forfeiture or Desertion.

4. Whatever other Power may be imagin'd in the two Houſes, as Houſes of Parliament, it cannot juſtify it ſelf to the Reaſon of any, who underſtand the Bottom of our Conſtitution.

5. By this Method all *Popiſh Succeſſors* may be excluded; and the Government ſecured, in caſe all the *Proteſtants* of the Family die without Iſſue: And this by the very Conſtitution of *England*. And the Queſtion can never ariſe about the Force or the Lawfulneſs of a Bill of Excluſion.

6. The Convention will not be oblig'd to take Oaths, *&c.*

Eleventhly, If theſe things be granted, and the Community be at Liberty to act as above; it will certainly be moſt adviſable, not only for the Security and Welfare of the Nation, but (if rightly underſtood) for the Intereſt of their Royal Highneſſes, to limit the Crown as follows: ——— To the Prince of *Orange* during his Life (yet with all poſſible Honour and Reſpect to the Princeſs, whoſe Intereſts and Inclinations are inſeparably the ſame with his) Remainder to the Princeſs of *Orange*, and the Heirs of her Body; Remainder to the Princeſs of *Denmark*, and the Heirs of her Body; Remainder to the Heirs of the Body of the Prince of *Orange*; Remainder as an Act of Parliament ſhall appoint.

This will have theſe Conveniences among others.

1. Husband and Wife are but one Perſon in Law, and her Husband's Honour is hers.

2. It puts the preſent Kingly Power into the beſt Hand in the World; which (without Flattery) is agreed on by all Men.

3. It aſſerts the above-ſaid Power in the Community.

4. It will be ſome Acknowledgment to the Prince for what he has done for the Nation: And it is worthy Obſervation, that before the *Theocracy* of the *Jews* ceaſed, the manner of the Divine Deſignation of their Judges, was by God's giving the People ſome Deliverance by the Hand of the Perſon, to whoſe Government they ought to ſubmit; and this even in that time of extraordinary Revelations. Thus *Othniel*, *Gideon*, *Jephthah*, *Samſon*, and others were inveſted by Heaven with the Supreme Authority: And though *Joſhua* had an immediate Command from God to ſucceed *Moſes*, and an Anointing to that purpoſe, by the laying on of *Moſes*'s Hands: Yet the

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Foundation of the People's Submiſſion to him was laid in *Jordan*. And I challenge the beſt Hiſtorians to give an Inſtance (ſince that *Theocracy* ceaſed) of a Deſignation of any Perſon to any Government, more viſibly Divine than that which we now admire. If the Hand of Providence (miraculouſly and timely diſpoſing Natural Things, in every Circumſtance to the beſt advantage) ſhould have any Influence upon Mens Minds; moſt certainly we ought not here to be inſenſible. If *the Voice of the People be the Voice of God*, it never ſpoke louder: If a Nation of various Opinions, Intereſts and Factions, from a turbulent and fluctuating State, falls into a ſerene and quiet Calm, and Mens Minds are ſtrangely united on a ſudden; it ſhews from whence they are influenced. In a word, if the Hand of God is to be ſeen in Human Affairs, and his Voice to be heard upon Earth; we cannot any where (ſince the ceaſing of Miracles) find a clearer and more remarkable Inſtance, than is to be obſerv'd in the preſent Revolution. If one examines the Poſture of Foreign Affairs, making way for the *Prince*'s Expedition by ſome ſudden Events and Occurrences, which no Human Wiſdom or Power could have brought about; if one obſerves that Divine Influence which has directed all his Counſels, and crown'd his Undertakings, notwithſtanding ſuch innumerable Dangers and Difficulties, with conſtant Honour and Succeſs: If one conſiders how happily and wonderfully both Perſons and Things are changed in a little time, and without Blood: It looks like ſo many Marks of God's Favour, by which he thinks fit to point him out to us in this extraordinary Conjuncture.

I will trouble you but with one Conſideration more; which is, That the two things moſt neceſſary in this Affair, are Unanimity and Diſpatch: For without both theſe of your Counſels will have little Effect. In moſt things 'tis good to be long in reſolving; but in ſome 'tis fatal not to conclude immediately: And preſence of Mind is as great a Vertue, as Raſhneſs is a Vice. For the turns of Fortune are ſometimes ſo quick, that if Advantage be not taken in the critical hour, 'tis for ever loſt. But, I hope, your Lordſhips, and all thoſe Gentlemen who compoſe this Auguſt Aſſembly, will proceed with ſo much Zeal and Harmony, that the Reſult of your preſent Conſultations may be a laſting and grateful Monument to Poſterity, of your Integrity, Courage and Conduct.

SEVERAL

SEVERAL

QUERIES

Relating to the preſent

Proceedings in Parliament;

More eſpecially recommended to the

Conſideration of the BISHOPS.

I. HOW the Houſe of Commons can anſwer it to thoſe People whom they Repreſent, if now they have an Opportunity, they do not ſettle the Government upon ſuch a Foundation as will be likely, not only to preſerve the Nation from Foreign Enemies, but alſo from falling into the like unhappy Circumſtances which it is but juſt now eſcaped out of, and which in a great meaſure have proceeded from a want of a right Settlement of Publick Affairs at the Reſtauration of King *Charles* the Second.

II. Whether this can be done without altering the Succeſſion, ſince the Birth of the Prince of *Wales* is not proved ſuppoſititious, (though perhaps no Body doubts but it is ſo)? And ſuppoſing it proved ſo, Whether it would not be more feaſible to make a Preſident now, than to try the Experiment firſt, when the next Right of Succeſſion is claimed by the *Infanta* of *Spain*; or perhaps ſome Prince her Heir, too ſtrong to reſiſt without the Aſſiſtance of the Prince of *Orange*, eſpecially

cially if there happen to be ſuch Diviſions amongſt Us as are at this Time?

III. Whether it can be immagined to be worth the Prince of *Orange*'s while to leave *Holland*, where he is the chief Man, and become a Subject in *England*; nay, and have ſuch an uncertain Intereſt in his ſtay here, that if his Wives Life chance to drop, perhaps he may be baniſhed in a Years time, and not have a Place, as things may happen, to put his Head in? For his Intereſt in *Holland* muſt neceſſarily fall into other Hands; And no Body knows what fallings out may happen betwixt Us and the *Dutch*, or what other Contingencies may happen that may give cauſe of Diſguſt.

IV. Whether (conſidering the preſent State of Affairs) the Strength of the King of *France*, and the *Iriſh* Rebellion, (to ſay nothing of the Effects which the Entreaties, and ſubtile Inſinuations of a Father muſt neceſſarily have upon any one that is good natur'd) it be ſafe to truſt the Adminiſtration of Affairs to a Woman, though never ſo vertuous? And whether we ſhall be able to protect our ſelves againſt all theſe formidable Enemies, and bring things to a due Settlement, without the Aſſiſtance of the Prince of *Orange*, whoſe Foreign Alliances are ſuch as we can never hope to obtain if we conſer the Crown upon any other?

V. Whether it would be a greater real Kindneſs to the Princeſs of *Orange* to make her ſole Queen, after ſuch a manner as ſhe will be likely to be turned out again; or to make her and her Husband joint King and Queen during their two Lives? I ſay, her Husband, who is a Prince, not only able to defend her and her Kingdom from all the Dangers that may happen, but alſo to take all the Trouble which may occur in the Adminiſtration of Affairs off her Hands, ſo that ſhe will enjoy all the Pleaſure of being Queen without any thing of Trouble: And we may add to this, that if it had not been for him, ſhe had never enjoyed the Crown, nor the Nation their Freedom?

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VI. Whether the Terms the Parliament ſhall make with one that can pretend no Right to the Crown but what they give him, will not be more likely to be kept by him, than by one that pretends a Title, and will be flattered up, both by Lawyers and Divines, (I mean, the Scum of them) with Notions of a Right *jure Divino*, and a Prerogative which cannot be parted with or aboliſh'd, though by the King's Conſent, or Act of Parliament?

VII. Whether the Houſe of Commons, upon theſe Conſiderations, and divers others too long to mention, will not think it neceſſary that the Prince and Princeſs of *Orange* be crowned King and Queen for their two Lives? And whether it can be imagined that the Commons ſhould ſo far betray their Country as to recede from this Point (ſo neceſſary for its Preſervation) notwithſtanding all the Diſturbances which the Biſhops ſhall make in the Houſe of Lords, and though they do not meet with the Concurrence of that Houſe ſo ſoon as in reaſon might be expected?

VIII. Whether the Houſe of Lords will ſuffer themſelves any longer to be impoſed upon by the Biſhops in a thing that will be ſo injurious to the Nation, as it will be not to comply with the Houſe of Commons in this great Point; which muſt neceſſarily put ſuch a damp upon Trade, that it will certainly be the Ruin of many hundreds of Families in the Nation whoſe dependance are upon Handy-Craft-Trades, to ſay nothing of the Diſadvantages which may accrue by ſuch a Delay to the poor Proteſtants in *Ireland?* and admitting they ſhould, whether the Circumſtances of Affairs would not in a little time force them to a compliance with the Houſe of Commons?

IX. Whether the Prince of *Orange* will not ſhew himſelf one of the unkindeſt Men in the World if he doth not ſtick by theſe People, till he ſeeth them ſecured, that have ventured their Lives and Fortunes for Him and their Country in confidence of his Protection? and whether he as Head of the

Proteſtant Religion, be not obliged to ſtand by the 48 Proteſtant Lords, and Houſe of Commons, that have ſerved their Country ſo faithfully?

X. Whether it would not be Prudence in the Biſhops (ſuppoſing their Deſigns be good, as I would hope they are) to ſhew their readineſs to aſſiſt the Nobility and Gentry in carrying on this great Work, whereby they might ſettle the Church upon the ſureſt Foundation, the Laws of God and of the Land, and continue themſelves in the Affections of the People?

XI. Whether all the Proteſtant Blood which ſhall be ſpilt in *Ireland* by reaſon of theſe long Delays, will not be juſtly laid at the Biſhops doors, if they proceed after the ſame manner they have begun?

And laſtly, To anſwer the great Objection, that we ſhall loſe the Kingdom of *Scotland* if we make the King Elective for this Turn.

Whether the *Scots* can chuſe any body that will be more agreeable to their Intereſts than the Prince of *Orange?* and ſuppoſing they can, Whether it be not madneſs to imagine, ſince they have a different Parliament, different Laws, and a different Original Contract (ſo that the King may commit a Forfeiture there, when he hath committed none here, or a Forfeiture here, when he hath committed none there) that they will not place the Crown upon him without any reſpect to what is done here, whether we make it a Forfeiture, or only a bare Demiſe?

A Proteſtant Precedent offer'd to the Biſhops for the Excluſion of K. James *the Second.*

IF Neceſſity, which is a great Branch of the Law of Nature, did not preſs us at this time, to come to ſome ſpeedy and pertinent Determinations, as to the buſineſs, eſpecially, of ſettling the Government, that Nicety, which ſeems to be promoted and ſet afoot in all our Counſels, might, conſidering the Weightineſs of the buſineſs in hand, rather claim the juſt Commendation and Applauſes of every good Man, than, as it ſeems now, fall under their Cenſure; and I may ſay Indignation. If the matter debated were extraneous, and the Kingdom within it ſelf peaceably and firmly ſettled; if the Circumſtances of our Affairs were ordinary and uſual, and could admit of an unlimited time for their Deciſion; if we were ſecure from injurious Reſolutions of our Enemies abroad, or from the private Machinations of diſaffected Perſons at home: If theſe things were ſo, it were worthy the Wiſdom of thoſe, who by their unſeaſonable Scruples (ſo generally reſolv'd againſt, and now again by them ſtarted) may ſeem either ignorant of the deſperate languiſhing condition of theſe Kingdoms at preſent, or prejudic'd and diſ-affected to the Peace and Settlement of them for the future; I ſay, it were then worthy the Wiſdom of theſe Men to diſſect every particular of ſo important an Affair, before they made any Determination of the General. As we all acknowledg the extraordinary Circumſtances of this Juncture, ſo they themſelves have not been a little contributing to this happy Revo'ution: The Prince's firſt Declaration tells us, he had the Invitation of the Lords Spiritual and Temporal. Was it Juſtice and agreeable to Conſcience then, to call for Foreign Arms to aſſiſt

us againſt our own King, in the recovery of thoſe Rights, Liberties and Properties, which, contrary to Law, he had invaded and taken from us? And is it now become a Scruple in thoſe ſame Conſciences, to be confirm'd in thoſe Rights, *&c.* by the ſame Arms and Power? Is that pretended, abſolute, unlimited Power, which in their Prayers and Sermons they have ſo often nibbled at, and endavoured to retrench, now in its *juſt Debaſement* become ſo Inviolable and Sacred, that it muſt become a Point of Faith entirely to ſubmit to it? Has this ſmall fit of Fear and Diſcouragement in our implacable Enemies, ſo well ſecur'd us from any future Enchroachments, that we need not be careful of any further Aſſurance? Has theſe Men's Re-embelliſh'd Honours ſo obliterated the Memory of the Dangers ſome of them ſo lately have eſcap'd, and the reſt juſtly fear'd, as to free them from all Apprehenſions for the future? What is it theſe Gentlemen would be at? what do they fear? Is it without Reaſon, without Juſtice, without Precedent, that we deſire to be everlaſtingly ſecur'd from *Popery* & *Slavery*? Not without Reaſon; for when we have ſeen many of our faireſt Branches lopp'd off, many of our Liberties invaded, many of our Laws perverted, and the Axe at laſt laid to the Root of our Government, 'tis high time then, I ſay, to provide for our our Safety, and to put a ſtop to that Current which would have quickly over-run and drowned us: Not without Juſtice, for where my Life and Property is hunted after, and aſſaulted, I may, by the Law of God and Man, repel the Injury, and ſtand in my own Vindication: Not without Precedent, even in Proteſtant Kingdoms, (not to mention the Romaniſts, who both teach and practiſe the Depoſing of evil and wicked Magiſtrates) and though in *England* we may perhaps think the Changes we have very lately ſeen among our ſelves admit of no Precedent, it may eaſily be prov'd that which hath been done of late in this Nation, hath been in great part formerly preſented and *allowed* of upon Foreign Stages; yea, and not many Years out of the Memory of ſome yet living, if we would but look into the Actions of other Regions, and thoſe too wherein the Reform'd Religion is profeſſed, we ſhall find that they, by their publick Records, acknowledged that in caſe of Tyranny and Oppreſſion, it was lawful not only to defend their Lives and

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Liberties againſt all Aſſaults, but reduce and declare the Perſons ſo offending, incapable of holding the Government.

A lively Example of this, and almoſt exactly parallel with ours, was the Caſe of *Sigiſmond* the Third, Hereditary King of *Sweden*, who by a Convention of the States of that Kingdom, was Excluded, even with his Heirs, (a Severity, which both the Honourable Houſes of Parliament here have, with great Juſtice and Wiſdom, declined) from that Crown for ever: Some of the Articles drawn up againſt him were theſe; Firſt, For ſwerving from their received Chriſtian Religion; as alſo, from his Oath and Promiſe, and Solemn Engagement made to his People at his Coronation, to preſerve their Rights and Priviledges; as alſo, their Holy Reform'd Religion Inviolated; For departing the Country without the Conſent, and unwilling to the States and Orders of the Realm; For exporting ſeveral Acts of great Concernment out of the Cancellarie; For proſecuting ſuch as would not embrace or favour the Romiſh Superſtition; For contemning, and endeavouring to undermine and annul thoſe laudable Inſtitutions and Laws made for the Security of the Realm, and the Eſtabliſhment of the Proteſtant Reformed Religion; For raiſing up whole Enemies he could againſt his Native Country, thereby to involve his Subjects in a Deluge of Blood, which he intended, and had almoſt effected; For inhumanely deſigning and ſuborning Ruffians and Villains, to Murder and Aſſaſſinate one of the chief Nobles, for no other Reaſon, but that out of Conſcience and Duty, he would have perſwaded him from thoſe Irregularities and notorious Breaches of the known Laws of the Land. For theſe, and many more Cauſes, as *the ſending his Son out of the Land*, without the Conſent of the States, and cauſing him to be brought up and educated in the Romiſh Superſtition, did the *Swedes* (ſubmitting the ſame to the Judgment of all ſincere and candid Arbitratours) juſtify their Abdication for ever, of King *Sigiſmond* the Third, and his Heirs, from the Crown of *Sweden*, &c. and proceeded ſtrait to the Conſtituting and Electing of *Charles* Duke of *Sudermannia*; *vid.* Spanheim's *Hiſt. of* Sweden, *&c.* And in concluſion, they pray for, and doubt not of a candid Conſtruction, a benign and favourable Acceptation, from all Chriſtian Emperors, Kings, Princes, States, *&c.* of this their Legitimate Defence, and to vindicate them and their moſt

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equal Cauſe from all Calumny, or evil Interpretation whatſoever. The Circumſtances relating to this preſent Juncture in *England*, bear ſo near a reſemblance almoſt in all thoſe Grievances objected againſt the ſaid *Sigiſmond*, that our late King, by a ſort of μετεμψύχωσις, ſeems to have breath'd his Soul, rather than to have copy'd after him, though indeed in ſome Caſes he has plainly out-done the Original, eſpecially in relation to his ſuppoſed Son. And as our King thought fit to Copy a King of *Sweden*, I cannot apprehend how it can leſſen our Judgments or Integrity, our Piety, or our Loyalty, to follow the Example of the *Swedes*, excepting in the caſe of the Lawful Heirs (whom every good Engliſhman and Proteſtant, to their utmoſt Danger and Peril, are ready to defend and maintain) to take ſuch Meaſures for our future Security, and lawful Eſtabliſhment, as ſhall not by any Humane Art or Endeavour, be liable to Interruption.

But as Precedents are leaſt ſatisfactory, or leaſt confronting to obſtinate Oppoſers; where they make only for one party: A Popiſh *Sigiſmund* depoſed for Male-Adminiſtration in a Proteſtant Kingdom, may not perhaps be allowed to carry its ſufficient Juſtification with the *Romaniſts*; and therefore the Tables ought to be turn'd, and the Ballance made by Parallels of their own ſide; the moſt prudent way of combating, and ſecuring a Victory in this matter, being to lay the Scene of War in the Enemies Country.

To confute therefore, and ſilence all the Romiſh Pretenſions of Diſguſt and Murmur, againſt the Injuſtice of ſuch a Deprivation, from Examples of Popiſh Depoſals of Male-adminiſtring Proteſtants; we'll begin with *Henry* of *Navarre*, afterwards *Henry* the Fourth of *France*.

The famous Holy League enter'd into by the Pope himſelf, and ſo many potent Allies; together with all the Romiſh Subjects of *France*, againſt that undoubted Heir of the Crown of *France*, and at that time by ſucceſſion the rightful King, is ſo notoriouſly known to the World, that all the tedious Particulars of the Hiſtory, would be impertinent.

Let it ſuffice, here was a Prince, the unqueſtion'd Inheritor of the Crown of *France*, actually by all Open and Hoſtile Means (and all ſuch Hoſtility avowed and abetted, and his very

very Birth-right fore-cloſed by the Pope himſelf) oppoſed and denied his Acceſſion to the Throne, for no other Unqualifications, but be a *Hugonot*; that is, of a Perſwaſion contrary to the Eſtabliſh'd, and Regnant Romiſh Religion in *France*; being in all other Reſpects acknowledged a moſt excellent Prince: Inſomuch, that after all other ineffectual Endeavours of recovering his Birth-right; he had no means left to repeal his Excluſion and Debarment from the Throne, but by his Abjuration of the Reformed Religion, and return to the Romiſh Worſhip.

This Caſe of *Henry* the Fourth, inſtead of a Parallel to ours, does not come up to half the Juſtification of the preſent Meaſures of *England*. For here was a Soveraign Prince under Deprivation, for no other Default, but his meer Religion: for this *Henry* the Fourth being then but in his Entrance to the Empire (if truly that) was conſequently yet at leaſt (whatever they might fear) under no *Dilemmas* of the leaſt breach of Compact with his People, no Forfeitures for Male-Adminiſtration, or Violation of the Laws of the Land, or Rights of his Subjects; their Dangers as then being only Apprehenſions. If therefore the meer private Opinion of a Crowned Head, different from the Eſtabliſh'd Religion of the Land, has been of weight enough (it ſelf alone) in their own Scales to overſway the Birth-Right of Princes, and make a Bar to Empire; and that too, ſo ſolemnly confirmed and ratified, even by the Sanction Apoſtolick, the Decretals of *Rome* it ſelf: What Objections or Allegations can our *Romiſh* Diſputants, whether Foreign or Domeſtick, make againſt the like Bar in Empire, after ſo notorious an actual Male-Adminiſtration, in the preſent Caſe of *England*, ſuch too viſible Ruptures of the Laws of the Land, and in defiance of all Obligations of Engagements, Covenant, Word, Honour, or OATHS themſelves?

The next Example I ſhall point them to, is, that of the late *Portugueſe* King, who by the Ordinance of the States of *Portugal*, ratified by the Pope's Aſſent, was dethroned, and his Brother inveſted with the Soveraignty; and not only that, but his Queen too taken from him, Divorced, and by a Diſpenſation married to his Brother. The Grounds of this Depoſal being only this, that the King was ſometimes taken with Deli-

rious Fits.

If ſuch a Perſonal Infirmity was ground ſufficient to diſplace the Crown: Have not the People, or Community of *England*, in Convention aſſembled, as much Right on their Side, for the Depoſal of a King, for a far greater Infirmity, (of the two a more violent Madneſs) his long tried and radicated Incapacity of being held, either by the Bonds or Ties of Honour, Laws, or Oaths: There being this infinite Difference between the Outrages of the one and the other, as that a Prince ſo bigotted, reſolved for the Introduction, right or wrong, of his own Religion, is the more Dangerous Frantick. For his Superſtitious Frency may puſh him to Violences that will hurt whole Nations, whereas the Outrages of the other can be only Perſonal. And if the Hands of the Lunatick *Portugueſe* were thought Juſt to be tied up with no leſs Shackles, than taking both his Kingdom and Queen away from him; who ſhall Arraign the Wiſdom of the *Engliſh*, for depriving their King of his Kingdom, (much good may do him with his Queen) under an infinite larger Capacity, and more dangerous propenſity to Miſchief. And for ſo doing, what Warrant ſhall they want, when the preſent unforced Deſertion of the King, and quitting the Helm, has put the Power of Deciſion in that Point into their own Hands, and loſt him all Right of Appeal againſt the Alienation.

I ſhall venter to add one laſt Conſideration, *viz.* The Bull of Pope *Pius Quintus*, againſt Queen *Elizabeth*; by which *the Pope deprives her of all Title to the Imperial Crown, and all Dominion, Dignity, and Priviledg whatever; declaring, that all the Nobility, Subjects, and People of* England, *and all others which have in any ſort ſworn unto her, to be for ever abſolved from any ſuch Oath; and all manner of Duty of Dominion, Allegiance, and Obedience*, &c. *and all forbidden to obey her, or her Motions, Mandates, or Laws, upon pain of Anathema. Vide* Biſhop of *Lincoln*'s *Brutum Fulmen*, p. 6.

I recite this unjuſt Depoſal of a Lawful Queen, by the pretended Authority of the Pope, no other, than to let the World know, that the Romiſh Party have the leaſt Reaſon in Nature, to complain of the Deprivation of Princes. They, whoſe Infallible Guides can ſo inſolently and arbitrarily place or diſplace Crown'd Heads (not to mention the Illegality of the Pope's Interpoſition, in the Affair in any kind) for only

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acting by *Law*, in Matters of Religious Changes, for ſuch were all Eccleſiaſtick Alterations of that Queen, by the unqueſtion'd Authority of Acts of Parliament; can be but ill furniſh'd with Arguments, againſt the preſent Deprivation, enacted by the whole Community of *England*, for ſuch violent Meaſures and Foundations, already form'd and begun, for the ſubverſion of Church and State againſt all Law.

Reaſons humbly offer'd, for placing his Highneſs the Prince of Orange, *ſingly in the Throne during his Life.*

I. IT will be a clear Aſſertion of the Peoples Right, Firm Evidence of a Contract Broken, and a ſure Precedent to all Ages, when, after a moſt Solemn Debate, the Eſtates of *England* Declare, That the King having *Abdicated* the *Government*, and the *Throne* thereby Legally Vacant, They think fit to Fill it again with One who is not Immediate in the Line.

II. It will be a Caution to Succeeding Kings, of what Fatal Conſequence a general Derogation from the Laws may be, when they find, by this Inſtance, the Exerciſe of the Kingly Office in Danger, not only with Reference to Themſelves, but Precarious to their Family by the Miſgovernment. And Generations to come ſhall praiſe our Conduct, when reading the Hiſtory of this Day, it appears we underſtood our Caſe; had Honour and Honeſty to maintain it, and Wiſdom enough to tranſmit it Perfect to our Poſterity.

III. It will be the higheſt Obligation upon the Two *Princeſſes* that can be expected from a ſenſible People; when, next to Aſſerting our own Right, by a Fact (which is abſolutely neceſſary, and above all other humane Arguments) they ſee themſelves of Ineſtimable Value with Us, by Recontinuing the Line in Remainder; And that their own ſtrict Adherence to the *Proteſtant*

Religion and *Interest*, out-weighs the Demerits of their Unhappy Father.

IV. The *Princess of Orange* will share in all the Glory of a Crown, without the Trouble of it: Easy from *Popish* Reflection, That *She sits in her Father's Throne while he lives.* And it concerns the *Kingdom*, as well as the *Princess*, to take care, That She be at Rest from those Sollicitations on the Behalf of *Papists*, which, under the Countenance of Her Father will perpetually assault Her tender Breast. Nor is there any room for the *Princess of Denmark* to think Her self Neglected; The Exchange being attended with many Advantages, such as it would be lost Time to repeat, they are so very Obvious, and likewise too many for the Compass of this Paper.

V. If the *Prince of Orange* be not *King* in His own Right, His Interest cannot be intirely Ours; For though His Gallantry be an Assurance of Sincerity to Us; yet, if there remain any Probability of His Returning to *Holland*, as upon the Death of His Wife, if She only be Sovereign, his Interest must be divided: Nor will it, according to the Art of Government, become the Prudence of any Nation to open the Secrets of their Policy to One, whom they may be so Unfortunate as to part with into a Country that may possibly interfere with Us.

VI. It is dangerous to the *Government* it self to vest the Exercise of the *Sovereignty* in Both, for they may differ in Sentiments of things: and if there be a possibility of Division, it would be an unancountable Weakness, and great Oversight, not to secure our selves in so Important a Point.

VII. It is Repugnant to grant the *Crown* to Both, and fix the Administration in One; For the Administration is an Incident Inseparable from the *Sovereignty*. To be a *King*, or *Queen*, and not to have the Exercise of *King*, or *Queen*, is a Contradiction: a Departure from all the Rules that were ever laid down in Government, unless in case of Personal Incapacity, and therefore below a Masculine way of Reasoning.

Lastly. It supports the noble Maxim, *That a neighbouring Nation may take Arms to assist the Rescue of a People oppressed by Tyranny.* And Foreign Princes will be apt to look into themselves, when they hear, by our Example of Gratitude, That they are no longer Safe, than Just to their Subjects.

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Good Advice before it be too Late:

Being a BREVIATE for the CONVENTION: *Humbly Repreſented to the Lords and Commons of* England.

WHereas we cannot but be made very apprehenſive by thoſe ſeveral efficacious Papers, ſuch as Dr. *B*'s, Mr. *F*'s, *A Word to the Wiſe*; and another as cloſe, *Four Queſtions Debated*, and the like; which go about, leſt the ſwaying part of the Nation ſhould be ſo much intent upon One Thing, as that Others be neglected; or leſt they be ſo taken up with putting the Crown upon an Head moſt deſerving it, as that they forget what is to be done firſt; which is, The Conſideration of the Conſtitution of the Realm, and the declaring that Conſtitution, before any Perſon be admitted into actual Regiment; it being common for thoſe that look but on one Thing, to be too ſudden. We therefore judg it meet, That this enſuing Paper, which was in a few Copies given to ſome Members of the Houſes, for preventing that Evil, ſhould alſo be made publick, to go abroad with ſuch Papers as thoſe of the former Nature. For, as it is wiſe in a People when they make any Compact, whether with their Rulers, or others, that though they believe the Party they deal with to be the beſt in the World, to treat with him for all that, and be as punctual upon the Terms to make all ſecure, as if they were dealing with the worſt: So it is alſo honeſt for them, in ſeeking the Good of their Country, to deny Self-intereſt, and to prefer the benefiting a Nation, before the magnifying any ſingle Perſon whatſoever.

The BREVIATE.

THE People of this Nation are by Birth a Free People, who are born to a Liberty of Perſon and Propriety in their Goods and Lands; and therefore *England* is rightly call'd a *Free State*.

To underſtand the Government, we muſt know that theſe two Things are always to be diſtinguiſhed, the *Conſtitution*, and the *Adminiſtration*.

The *Conſtitution* of a Government does lie in the Original Agreement of the People, which they make between themſelves, or with their intended Governour, or Governours, before the Government be ſet up, whether there be none before, or the Former at an end.

When the People are in ſuch a State, while there is no Order of Superiority, or Inferiority introduced, it is called a *Community*: When a Ruler is choſe, ſo that there is a Ruling and Ruled Part, it is a Society, or called a *Common-Wealth*.

Let us ſuppoſe a Company of Families, that having no dependance on one another, nor any one having Power over the other, yet living near each other, do find it convenient to join together in a Society, for mutual Defence againſt ſome Foreign Enemy, or for the reaping ſeveral Advantages which they ſhall receive by it. The Heads or Repreſentatives of theſe Families aſſembled, are to conſider what is to be done in order to theſe Ends.

Three Things more eſpecially they muſt conſult upon;

1. What Government (as to the Sort or Kind) is beſt for them?

2. Who ſhall be Governour or Governours?

3. And by what Laws or Rules they ſhall govern, who are entruſted with the Supreme Power?

And more particularly, in relation to what Meaſure of it they will allow them to have over their Perſons and Eſtates, to uſe them as they have Occaſion, for the Publick Good. For when they are yet free in both, the Governour can have Power ſo far, but no farther than they at firſt conſent. Whatſoever Reſer-

Reſervations of Liberty the People make in their Agreement, theſe are to be look'd upon as their Rights by the Laws of the Conſtitution, and eſſential thereunto, and conſequently inviolable by any of theſe Governours whom they ſet up for the Adminiſtration; the very Laws of the Adminiſtration being void, ſo far as they interfere with any of theſe of the Conſtitution.

The Conſtitution and Laws thereof being agreed upon, and it being impoſſible for Humane Prudence to foreſee all Accidents, which muſt be provided for; therefore as they ariſe, the Adminiſtration neceſſarily muſt lie in theſe two Things: The making farther Laws (ſubordinate ſtill to thoſe fore-priz'd) as occaſion requires, and ſeeing them executed, that is, in Legiſlation and Judgment. The One is the Buſineſs of the Supreme Authority; the Other of the Inferior Magiſtrates or Officers, and Executioners of the ſame, according to that Fundamental Agreement made by the People.

Our Government now, as conſtituted in order to this Adminiſtration, is, we know, a mixt Government. A Government is known to be pure or mixt, by the placing the Supreme Authority. If the People place it ſingly in the King, or ſingly in the Nobles, or ſingly in the People, then it is a pure Monarchy, Ariſtocracy, or Democracy: But when it is placed in all Three, it is a mixt Government, as Ours is, where there are no Laws in the Adminiſtration made but by King, Lords, and Commons.

Theſe Things I purſue only ſo far as is neceſſary, to the reaching my main Purpoſe; and the leading me to a right diſcernment of the preſent Condition into which we are now brought in regard to this ſaid Government.

The Supreme Power of the Nation being placed in a Parliament, which is a Corporation of King, Lords, and Commons, that is, the Supreme Authority reſiding in King, Lords and Commons, as One Corporation, there does appear, at this Conjuncture, a Diſſolution of the Government; A Diſſolution manifeſtly, as to the Exerciſe of it. This Appearance does ariſe from the opening of the laſt Scene. For the King being now gone, gone from his People, and departing from his Government, that One Corporation (we ſpeak of) is broke; ſo that there remains now no ſubject for that ſupreme Authority;

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It being evident, that a Parliament, wherein an Eſſential point of our Conſtitution does conſiſt, cannot now be Aſſembled: And the Providence of *God* it ſelf hath extraordinarily determin'd our Caſe. If a King dies, he hath a Succeſſor, and the Right devolves upon Him; but whilſt the King lives, he hath no Succeſſor, and the Right remaining in Him and no Other; and he being divided from his Lords and Commons, the Subject of the Supreme Power, or this One Corporation (whereof the King is a Chief, Eſſential, and Conſtituent Part) does perfectly ceaſe, and muſt neceſſarily cauſe a Diſſolution.

I chooſe not to found this upon what does more convince Others, which comes to this Account: The King, by his frequent Malverſation in the Government, and rooted Deſign of ſubverting our Religious and Civil Rights, for the Introduction of Arbitrary Power and Popery, which being aggravated by ſuch an Endeavour, as the deſtroying that Share in the Government, which every Commoner hath, that hath Right to chooſe his Repreſentative in Parliament, by his Garbling Corporations, and ſo evacuating this Liberty in effect; and by ſuch an endeavour alſo, as the exterminating his Proteſtant Subjects; ſeeing that Religion which he would have introduced, is ſuch, as by the Principles of it, if it comes into Domination, muſt do ſo to all Hereticks; and thereupon may he be look'd on no longer as *Rex*, but *Hoſtis*, and *Hoſtis Publicus*: Beſides, the ſubjecting us to a Foreign Juriſdiction, and the very changing the Government, by that indefinite Diſpenſing Power over the Laws, as was carved to him by his Judges, from Regal to Deſpotical: It is judged by them, that he is fallen thereupon from his Royal Dignity; and that the Univerſality thereby have Warrant not only to defend themſelves againſt him, but by Vertue of that Sanction, which is tacitly implyed in the Laws of the Conſtitution, to proceed on to take the Forfeiture He hath made of his Government, and Depoſe Him: For it is a fond thing, (think they) to imagine any Laws without a Sanction; and impoſſible there ſhould be any other Sanction in Treaties between Free Nations, or between a Free People, and the Governour they ſet over Themſelves, than Force to be uſed by the Parties concern'd; there being no Third Party on Earth to appeal to, in ſuch Caſes.

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However this be, it being taken for granted, That the Government is diſſolved, and I ſuppoſe upon that preceding Account, of the One Corporation (I ſay) being broke, the Supreme Authority that lay before in the Three as united in One, does eſcheat, or fall to the Community; who muſt therefore chooſe a new Subject for that Power; and it lies at their Diſcretion to place it in what Subject they pleaſe: They may lodg it in the Lords and Commons alone, without a King, if they think that Government beſt; the matter lies altogether upon their Agreement, and Conſent. I ſuppoſe it moſt likely, that they will agree to place it again in a Monarch, Lords and Commons (the Perſon only left at Choice, and Care had to prevent all Danger of Law in the Caſe) according to the Ancient Conſtitution; Though what Man can know the Mind of a Nation, when once come together, if he knows his own Mind?

There is one thing we have now Opportunity to obtain, which we can never recover again, if it be loſt; and that is, what His Highneſs the Prince of *Orange* hath made one of his two Deſigns, *The Delivery of the People from Slavery*; which can never be done effectually, and radically, but upon this *Advantage*. The delivering us from *Popery*, is contained in the ſetling our Religion; and that being a Work of great length, is the buſineſs more properly of a Parliament; but this is a thing muſt be done by the Community, and conſequently by thoſe that are the Repreſentatives of it, a *Convention*, ſo called (in regard to a higher Capacity hereunto) and not a *Parliament*; for that repreſents the People, not as in a *Community*, but as in a *Common-wealth*, where there is *pars imperans*, as well as *ſubdita*, which now is not. A *Parliament* makes Laws for the *Adminiſtration*, but the *People* as in a *Community* make Laws for the *Conſtitution*.

I would therefore humbly offer it to the Conſideration of thoſe, who ſhall meet as Members of this *Convention*, That, in order to the Effect premiſed, they do but agree and pitch upon this one certain Point of *good Polity*, that where they place the *Supream Authority*, they lay alſo the *Rights* or *Properties* of it; that is, the *Jura Majeſtatis* (*Majeſtas* being *Maxima Poteſtas*) all together.

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The Rights of *Majeſty*, or the *Supream Power*, are mainly theſe; The firſt is *Legiſlation*, or making Laws; and this undoubtedly lies in a Parliament. The next, is the Power of raiſing *Arms*, or Armies, or the *Militia*, the Power of making Peace and War, or the Power of the Sword, which is neceſſary to maintain thoſe Laws. The third is a Power over our Eſtates, or the Purſe, or raiſing Mony, which muſt maintain the Sword. A fourth, is the Power of *chooſing Magiſtrates* to rule Us according to theſe Laws; ſuch as Judges and Sheriffs, to name no other. A fifth, is the *laſt Appeal*. Now let but the Power of the *Militia* and *chooſing Magiſtrates*, be laid where *Legiſlation* is, and we ſhall be fundamentally delivered from all *Slavery* for ever in the Nation.

If we be *enſlaved* or oppreſſed by any *Prince* for the time to come, it muſt be either by *Force* or by *Injuſtice*. We cannot be oppreſſed by *Force*, becauſe no Forces then can be raiſed by Him, but by a Parliament. He cannot rule by an *Army*, or by Violence; for the *Militia* is in the *Lords* and *Commons*, as well as in Him, and they will not let him do ſo: We cannot be oppreſſed with *Injuſtice*; for the *Judges* and *Officers* entruſted with the Execution of *Juſtice*, ſhall be choſen alſo by them, and they will look to that.

It is true, while no Parliament ſits, the King by Virtue of the Executive Power lying in him, may raiſe Arms, and put in Officers and Magiſtrates as there is need; but both theſe are to be done under the Controul of the next Parliament (which are therefore to ſit often by ancient Statutes) there being no War to be levied, nor Magiſtrates confirmed, without their Approbation.

Let us remember the State we are in, a State that puts the *Supream Power* in the Hands of the People, to place it as they will: and therefore to bound and limit it as they ſee fit for the publick Utility; and if they do it not now, the Ages to come will have occaſion to blame them for ever. When the Supream Power is upon the diſpoſing, if they do not take this *Item*, as part of their proper Work, *To bind the Deſcent of it to a Proteſtant*, I ſhall blame them: But I ſhall do ſo much more, if after the Danger we have been in, of Arbitrary *Domination* and *Popery*, by the King's raiſing Arms, and putting Judges in and out at his Pleaſure, they do not take more care of the

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Supream Power, to lay it and its Rights better together: Especially, seeing nothing can indeed be that in Nature, which it is, without its Properties. This is uniform (I must persist) to the Nature of Government; that where the Supream Authority is, there must be its *Prerogatives*; and where the chief or principal *Rights* of it is, there should all the rest which depend upon, and belong to it, be placed also: Where *Legislation* is lodged, there should the *Militia*, there should the Power of making Judges, to name nothing more than serves my turn, be lodged also. It is this hath been the great Declension, Fault, or Defect of our English Common-Wealth, that the People have suffered these Rights of Soveraignty, to come to be divided, arising (we must conceive) from the *Administration*, that is, *Male-Administration*; as appears, for Example, in the *Militia*, which upon the fresh coming in of the late King, was in two or three hot *Acts*, declared now and ever to have been in the King; when both the Assertion was gross Flattery, and such Acts void, as fundamentally repugnant to the *Constitution*.

There is one *Difficulty* to be thought on, and that is, the *Negative Voice* of the *Prince* in his *Parliament*. The *Lords* and *Commons* may agree upon some Law for the publick Benefit, and the King alone may refuse to pass it. If he be obstinate, this is a great Evil, and might really make one think, it would be better therefore (for the preventing this Inconvenience) to place the *Supream Power* in *Lords* and *Commons* only, without a *Controler*. Unto which may be added, the Power of Calling and Dissolving *Parliaments* at pleasure; by virtue whereof, our Kings hitherto have pretended a Power predominant over them. But forasmuch as these *Prerogatives* may be disputed, and the *Negative Voice* hath been deny'd by many Judicious Men, who have pleaded the Obligation of former Princes to confirm those Laws, *quas vulgus elegerit*; it is to be hoped that the Wisdom of the Nation will be able to find out some Expedient or Salve for this Difficulty, and for more than that also; so long as they have the *Golden Opportunity*, to bring a *Crown* in one Hand, with their *Terms* or *Conditions* in the other.

As for the several Grievances that need Redress, and many good Things that are wanting to compleat the Happiness of

our Kingdom; there may be ſome Foundation laid happily, or Preparations made in order thereunto by this *Convention*; but as belonging to the *Adminiſtration*, and being Matters of long Debate, they are the Work more properly of an enſuing Parliament. Only let not the Members of this preſent *Great Aſſembly* forget, that they having ſo unlimited a Power, and the Nation ſuch an Opportunity, which, as the *Secular Games*, they are never like to ſee but once, they are more ſtrictly therefore bound in *Conſcience*, and in Duty to their *Country*, to neglect no kind of thing, which they judg abſolutely neceſſary to the publick Good. I care not if I commend three or four ſuch Particulars againſt the time to Conſultation, which ſhall be theſe: A Regulation of *Weſtminſter-Hall*: A Proviſion againſt buying or ſelling of Offices: A Regiſter of *Eſtates*: A Freedom from *Perſecution* (by a Bill for *Comprehenſion* and *Indulgence*) in the buſineſs of Religion: A Redemption of the *Chimny Mony*, which bringing the King to be Lord of every Man's Houſe, is againſt *Property*; and an *over-Ballance* in the *Revenue*, is againſt the *Intereſt* of the *Nation*.

THE Breviate bing ended, we cannot but reflect upon the King; there being ſo much Concern in the Minds of many, about their *Allegiance* to Him, though He be gone: But ſuch Perſons as theſe ſhould look a little more to the Bottom, That a People is not made for the King, but the King for the Peole: And though He be greater than them in ſome Reſpects; yet, *quoad finem*, the People are always greater than Him: That is, If the Good of the *one*, and the *other*, ſtand in Competition, there is no Compariſon, but a Nation is to be preferr'd before one Man. (As appears by the Opinion of King *James* the Firſt, hereto annexed.) If the Being of them be inconſiſtent one with another, there is no doubt, but it is better that a King ceaſe, than that a *whole Nation ſhould periſh*. And upon ſuch a Suppoſition as this, all Obligation as to Duty muſt ceaſe likewiſe. There are ſome tacit Conditions in all Oaths, as the beſt *Caſuiſts* tell us (ſuch as *Rebus ſic ſtantibus*, for one) that we muſt ſteer our *Conſciences* by in theſe Caſes; *He is the Miniſter of God for our Good*, ſays the Scripture: And if any

Prince

Prince therefore be under thoſe Circumſtances, as that it cannot be for the Peoples Good that he ſhould rule over them; we do look upon ſuch a Ruler to be bound in Conſcience to give up his Government, as being no *Miniſter of God* upon that Account: And ſo, having no Authority from God for that *Office*, the Peoples Obligation to be ſubject to Him, is at an end with it. If they obey him longer, it is for *Wrath*, not for *Conſcience ſake*. If his Majeſty now of *Great Britain*, out of ſome deep Senſe, that he, being a *Roman Catholick*, cannot rule, and be true to his *Religion*, (which he may ſuppoſe does oblige him to an Eſtabliſhment thereof by all the ways and means of his Church, though never ſo deſtructive to ours (but it will be to the Hurt, not Good of us who are *Proteſtants*) hath been pleaſed to withdraw himſelf from his Government, to make us more quiet and happy; We are in all Gratitude to acknowledg his *Piety*, *Goodneſs*, and *Condeſcention* to be ſo much, as very few of his Subjects could ever have ſuſpected: But if it be out of another Mind he hath done it, We have ſtill more Reaſon to bleſs *Almighty God*, who does often ſerve his *Providence* by Mens *Improvidence*; and cutting off Mens Ends from their Means, he uſes their Means to his own Ends, when he is pleaſed to work *Deliverance* for a People; as he hath at this Seaſon, ſo graciouſly and wonderfully done for Us, that there is nothing more needful, even to the moſt ſcrupulous Conſcience, than an humble and awful Acquieſcence in the *Divine Counſel*, to give Satisfaction in this Matter.

King *JAMES* the First his Opinion of a KING, of a TYRANT, and of the *English Laws, Rights* and *Priviledges.* In two Speeches; The First to the Parliament 1603, the Second 1609.

In his Speech to the Parliament 1603, *he expresseth himself thus:*

I Do acknowledg that the special and greatest Point of difference that is betwixt a Rightful King and an Usurping Tyrant, is in this: That whereas the proud and ambitious Tyrant doth think his Kingdom and People, are only ordained for satisfaction of his Desires, and unreasonable Appetites; *The Righteous and Just King doth by the contrary acknowledg himself to be Ordained for the procuring of the Wealth and Prosperity of his People; and that his great and principal worldly Felicity, must consist in their Prosperity.* If you be Rich, I cannot be Poor; if you be Happy, I cannot but be Fortunate: And I protest, your Welfare shall ever be my greatest Care and Contentment. And that I am a Servant, it is most true, that as I am Head and Governour of all the People in my Dominion, who are my natural Subjects, considering them in distinct Ranks: So if we will take in the People as one Body; *then as the Head is ordained for the Body, and not the Body for the Head, so must a Righteous*

Righteous King know himself to be ordained for his People, and not his People for Him.

Wherefore I will never be ashamed to confess it my principal Honour to be the great Servant of the Common-Wealth; and ever think the Prosperity thereof to be my greatest Felicity, *&c.*

In his Speech to the Parliament, March 21. 1609, *he expresseth himself thus:*

IN these our Times we are to distinguish betwixt the State of Kings in the first Original, and between the State of settled Kings and Monarchs, that do at this Time Govern in Civil Kingdoms: For even as God, during the Time of the Old Testament, spake by Oracles, and wrought by Miracles; yet how soon it pleased him to settle a Church, (which was Bought and Redeemed by the Blood of his only Son Christ) then was there a Cessation of both: He ever after governing his Church and People within the Limits of his revealed Will. So in the first Original of Kings, whereof some had their beginning by *Conquest*, and some by *Election* of the People, their Wills at that Time served for a Law; yet how soon Kingdoms began to be settled in Civility and Policy, then did Kings set down their Minds by Laws, which are properly made by the King only; but at the Rogation of the People, the King's Grant being obtained thereunto; and so the King came to be *Lex loquens*, a speaking Law, after a sort binding himself by a double *Oath* to the Observation of the *Fundamental Laws* of his Kingdom: Tacitly, as by being a King, and so bound to protect, as well the People, as the Laws of his Kingdom; and expressly by his Oath at his Coronation: So as every just King in a settled Kingdom is bound to observe that Paction made to his People by his Laws, in framing his Government agreeable thereunto, according to that Paction which God made with *Noah* after the Deluge: *Hereafter, Seed-time and Harvest, Summer and Winter, Cold and Heat, Day and Night shall not cease, so long as the Earth remains. And therefore a King Governing in a settled*

Kingdom,

Kingdom, leaves to be a King, and degenerates into a Tyrant, as ſoon as he leaves off to rule according to his Laws. In which Caſe the King's Conſcience may ſpeak unto him as the poor Widow ſaid to *Philip* of *Macedon*, Either Govern according to your Law, *aut ne Rex ſis*, or ceaſe to be King; and tho no Chriſtian Man ought to allow any Rebellion of People againſt their Prince, yet doth God never leave Kings unpuniſhed when they tranſgreſs theſe Limits. For in that ſame *Pſalm* where God ſaith to Kings, *Vos Dii eſtis, Ye are Gods*; He immediately thereafter concludes, *But ye ſhall die like Men:* The higher we are placed, the greater ſhall our Fall be; *Ut caſus ſic dolor*, as the Fall, ſo the Grief, the taller the Trees be, the more in danger of the Wind; and the Tempeſt beats ſoreſt upon the higheſt Mountains. *Therefore all Kings that are no Tyrants, or Perjured, will be glad to bound themſelves within the Limits of their Laws; and they that perſwade them the contrary, are Vipers and Peſts, both againſt them and the Common-Wealth.* For it is a great difference betwixt a King's Government in a ſettled Eſtate, and what Kings in their Original Power might do in *Individio vago*. As for my part, I thank God I have ever given good proof that I never had Intention to the contrary: And I am ſure to go to my Grave with that Reputation and Comfort, That never King was in all his Time more careful to have his Laws duly obſerved, and himſelf to govern thereafter, than I.

That Juſt Kings will ever be willing to declare what they will do, if they will not incur the Curſe of God. I will not be content that my Power be diſputed upon, but I ſhall ever be willing to make the Reaſon appear of all my Doings, and rule my Actions according to the Laws.

And afterwards ſpeaking of the Common Law of England, *which ſome conceived he contemned, ſaith to this purpoſe*; That as a King, he had leaſt cauſe of any Man to diſlike the Common Law; for no Law can be more favourable or advantageous for a King; and extendeth further his Prerogative than it doth; and for a King of *England* to deſpiſe the Common Law, is to neglect his own Crown. It is true, that no Kingdom in the World, but every one of them hath their own Municipal Laws agreeable to their Cuſtoms, as this Kingdom hath the Common Law. Nay, I am ſo far from diſallowing the Common Law, as I proteſt that if it were in my Hand to chuſe a new Law for this Kingdom,

dom, I would not only prefer it before any other National Law, but even before the very Judicial Law of *Moſes*, for conveniency to this Kingdom at this Time, tho in another reſpect I muſt ſay, both our Law, and all Laws elſe are very inferiour to that Judicial Law of God; for no Book nor Law is perfect nor free from Corruption, except only the Book and Law of God. And therefore I could wiſh that ſome Corruptions might be purged and cleared in the Common Law, but always by the Advice of Parliaments; for the King with his Parliament here are Abſolute, in making or forming any ſort of Laws.

Firſt, I could wiſh that it were written in our Vulgar Language; for now it is an old mixt corrupt Language, only underſtood by Lawyers: Whereas every Subject ought to underſtand the Law under which he lives; ſince it is our Plea againſt the Papiſts, that the Language in God's Service ought not to be in an Unknown Tongue, according to the Rule in the Law of *Moſes*. That *the Law ſhould be written in the Fringes of the Prieſts Garment, and ſhould be publickly read in the Ears of all the People*; ſo me thinks ought our Law to be made as plain as can be to the People, that the excuſe of Ignorance may be taken from them for conforming themſelves thereunto.

Next, our Common Law hath not a ſettled Text, being chiefly grounded upon old Cuſtoms, which you call *Reſponſa Prudentum* ——— I could wiſh that ſome more certain were ſet down in this caſe by Parliament: for ſince the Reports themſelves are not are not always ſo binding, but that divers times Judges do diſclaim them, and recede from the Judgment of their Predeceſſors: It were good that upon a mature deliberation, the Expoſition of the Law were ſet down by Act of Parliament, and ſuch Reports therein confirmed, as were thought fit to ſerve for Law in all times hereafter, and ſo the People ſhould not depend upon the bare Opinions of Judges, and uncertain Reports.

And laſtly, there be in the Law contrary Reports and Precedents; and this Corruption doth likewiſe concern the Statutes and Acts of Parliament, in reſpect there are divers croſs and cuffing Statutes, and ſome ſo penn'd as they may be taken in divers, yea contrary Sences. And therefore could I wiſh both thoſe Statutes and Reports, as well in the Parliament, as Common Law, to be once materially reviewed and reconciled.

And

And that not only Contrarieties ſhould be ſcraped out of our Books, but that even ſuch Penal Statutes as were made but for the uſe of the time (for breach whereof no Man can be free) which do not now agree with the condition of this our time, might likewiſe be left out of our Books, which under a tyrannous and avaricious King could not be endured.

And this Reformation might, we think, be made a worthy Work, and well deſerves a Parliament to be ſet of purpoſe for it, *&c.*

And as to the Point of Grievances, tells them, That there are two ſpecial Cauſes of the Peoples preſenting Grievances to their King in time of Parliament.

Firſt, For that the King cannot at other times be ſo well informed of all the Grievances of his People, as in time of Parliament, which is the Repreſentative Body of the whole Realm. Secondly, The Parliament is the higheſt Court of Juſtice, and therefore the fitteſt place where divers Natures of Grievances may have their proper Remedy, by the eſtabliſhment of good and wholſome Laws: Wherein he addreſſes himſelf eſpecially to the Lower Houſe, who as repreſenting the Body of the People, may, as it were, both *Opportunè & Inopportunè*, in Seaſon, and out of Seaſon; I mean, either in Parliament as a Body, or out of Parliament as private Men, preſent your Grievances unto me.——

I am not to find fault that you inform your ſelves of the particular Grievances of the People: *Nay, I muſt tell you, ye can neither be juſt nor faithful to me, or to your Countries that truſt and employ you, if you do not; for true Plaints proceed not from the Perſons employed, but from the Body repreſented, which is the People.* And it may very well be, that many Directions and Commiſſions juſtly given forth by me, may be abuſed in the execution thereof upon the People, and yet I never receive Information, except it come by your means at ſuch a time as this is.

Propoſals

Propoſals to this preſent Convention, *for the perpetual Security of the* Proteſtant Religion, *and the* Liberty *of the Subjects of* England. *Humbly Offer'd by the Author of the* BREVIATE.

AFter the Great Bleſſings that ſeem deſigned for the whole Nation, from the happy Agreement between the *Two Houſes*, in that great Point before them, the *Vacancy of the Throne*; I cannot but crave Pardon and leave to put the *Repreſentatives* of the Nation in remembrance, that though this *Vacating* of the Throne opens ſo large a Door to our Great and many Deliverances, yet our laſting Security is not intirely compleated here; and that therefore they baulk not the next Point, which is as ſtoutly to be aſſerted, viz. *That the Power now of ſetling the* Government, *and filling the* Vacancy, *is reverted to the* Community, *whereof they are the* Repreſentatives. This is an opportunity we are like never to have again in the World; and a Precedent ought to be made for the Ages to come. It is not to be thought, after an Agreement on the firſt Point, but that this *Convention* is willing to inveſt the Prince of *Orange* with the Government, during his Life; (for they ſay, both the *Princeſſes* are willing it ſhould be ſo, and no prejudice to either:) But how this can be orderly done, until the *Power* be aſſerted; let the Wiſdom of the Nation conſider, and lay it well to Heart.

There is One main objection. If the *Convention* chooſe a *King* and *Queen* at this Time, then will the *Government* be for ever *Elective*. But this is a great Miſtake: for, we muſt know it is the *Conſtitution* of a *Government*, which makes it *Elective* or *Hereditary*, and not One *Actual Choice*, or *ſingle Precedent*. This being (note that well) by a Convention, not a Parliament; whilſt in the preſent Juncture, that Vacancy in the Throne (which may never happen again to the End of the World,) leaves us no other Expedient of reeſtabliſhing our *Government*, then by Electing Our *Governour*.

When an *Hereditary Kingdom* is ſet up that was none before, the Perſon on Neceſſity muſt be by *Election* at firſt; though

at the ſame time, the Compact of Obedience to the Perſon ſo Elected, and to his Heirs in Succeſſion after him, may be ſuch, that what at firſt was in the peoples *Power* and *Right* to give, after ſubmiſſion payed, will never lie in their Power to reſume back. The Caſe is the ſame here. And if we underſtand then, when it is reſolved, that the *Throne* is vacant, or *Government* diſſolved, (which is all one) the meaning is not, that the *Conſtitution* of the *Government* is diſſolved (for therefore is it ſo warily expreſt) but the *Government* in the *Adminiſtration*. It is Eſſential to Government to have *pars Imperans*, and *pars ſubdita*; and the *pars Imperans* failing (as in our Caſe) the Government is Not; that is, it is diſſolved ſo, as there can be no Exerciſe of it, till it be ſetled again: Nothing that the *King* can do, or *Parliament* can do, can vacate the *Conſtitution*: It is *That* they both *Derive* from and *hold* by. Only the *Community* being thoſe, as firſt *made* it, (it muſt be confeſt) they can *diſſolve* it, or *Change* it, if they think fit. The *King* hath not yet diſſolv'd it, but the *Convention* (being, upon the Diſſolution of the Government, in the Exerciſe call'd this together, as Deputies of the *Community*, to ſet *that* up,) may do ſo: or what is better; they may confirm the *Fundamental Points* of it, and mend the reſt, as they ſee good. It were then Adviſeable, both for the Honour and Safety of the Nation, That the *Convention* did agree and declare, that the Government of *England* be ſtill an *Hereditary Limited Monarchy*; with this change only, that the Deſcent of the *Crown*, be bound to a *Proteſtant*. This ſalves the Objection for ever.

Be it agreed and declared again, that the *Government* be ſtill a mixt *Government*; and that the Supream Legiſlative *Power* with all the Rights and *Properties* of it, do, and ſhall lie in a *Parliament*.

For Gods ſake and Your Countries, uſe your preſent Advantage; leſt you mourn for the loſs of ſo favourable an offered Opportunity never to be regained.

The *Conſtitution* (I ſay) of the *Government* ſhould be conſidered and declared, and the Power of this *Convention* to diſpoſe of *New Governours* be aſſerted, before the actual Inveſtiture of Any be concluded, if we reſolve to be true Subjects of *England*, or have any Regard to Our Selves, or our Poſterity, in a Concern ſo valuable, as Generations to come ſhall reap the Bleſſing of it, and acknowledg the Founders.

FINIS.